

LaMONICA HERBST & MANISCALCO, LLP
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Melanie A. FitzGerald, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

MARK J. MARIANI,

Case No.: 21-22123 (RDD)

Debtor.

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**SUPPLEMENTAL AFFIDAVIT DISCLOSING INCREASE
IN HOURLY RATES EFFECTIVE APRIL 4, 2022**

STATE OF NEW YORK)
 ss.:
COUNTY OF NASSAU)

MELANIE A. FITZGERALD, ESQ., being duly sworn, deposes and says:

1. I am a partner in LaMonica Herbst & Maniscalco, LLP ("LH&M"), which maintains its offices at 3305 Jerusalem Avenue, Suite 201, Wantagh, New York 11793. I am duly admitted to practice law before this Court and the courts of the State of New York. I have personal knowledge of the facts set forth herein.

2. By Order dated April 7, 2021 ("Employment Order") [Dkt. No. 9], the Court approved the employment of LH&M as counsel to Mark S. Tulis, solely in his capacity as Chapter 7 Trustee of the bankruptcy estate of Mark J. Mariani ("Trustee").

3. The Employment Order provides, in pertinent part, as follows:

... ten (10) business days prior to any increases in LH&M's hourly rates, LH&M shall file a supplemental affidavit with the Court ("Supplemental Affidavit"). The Supplemental Affidavit shall explain the basis for the requested rate increase in accordance with Bankruptcy Code § 330(a)(3)(F). All parties, including the United States Trustee, retain all rights to object to or otherwise respond to any rate increase on any and all grounds, including, but not limited to, the reasonableness standard provided for in Bankruptcy Code § 330

See Employment Order at p. 2.

4. In accordance with the Employment Order, I submit this Supplemental Affidavit disclosing the following increases in certain of LH&M's hourly rates effective as of April 4, 2022:

<u>Name</u>	<u>Title</u>	<u>Current Hourly Rate</u>	<u>New Hourly Rate</u>
Adam P. Wofse, Esq.	Partner	\$525.00	\$575.00
David A. Blansky, Esq.	Partner	\$550.00	\$575.00
Melanie A. FitzGerald, Esq.	Partner	\$525.00	\$595.00
Holly R. Holecek, Esq.	Partner	\$475.00	\$525.00
Jacquelyn S. Loftin, Esq.	Partner	\$475.00	\$525.00
Danielle George	Paralegal	\$200.00	\$225.00

5. LH&M has not increased its rates since the first quarter of 2021. After careful consideration, LH&M determined to increase certain of its hourly rates based upon, inter alia, increased operating costs, insurance costs, employee costs and expenses. LH&M submits that such rate increases are reasonable and necessary, especially given the rise in costs and expenses that LH&M has incurred. Moreover, the rate increases are reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11 of the United States Code.

6. The Trustee was advised of and consented to the rate increases set forth herein.

7. Based on the forgoing, I believe that LH&M's new hourly rates set forth herein are reasonable and customary.

s/Melanie A. FitzGerald
Melanie A. FitzGerald

Sworn to before me this 18th day of March 2022

s/ Denise Bisagni
Denise Bisagni
Notary Public, State of New York
No. 01B16256398
Qualified in Suffolk County
Commission Expires February 27, 2024